

REMARKS

I. Introduction

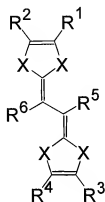
In response to the pending Decision on Appeal, and as a supplement to the Amendment filed on January 25, 2010, Applicants have amended claims 22, 25 and 32. In addition, new claims 59-61 have been added. Support for the amendments and new claims may be found, for example, on page 13, lines 4-8, page 13, lines 18-21 and page 14, lines 4-18 of the specification. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art.

II. The Rejection Of Claims 22, 25, 28, 32, 35, 38, 41, 44, 50 and 53

Claims 22, 25, 28, 32, 35, 38, 41, 44, 50 and 53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al. (USP No. 6,110,619) in view of Carlier et al. (Publication Electrochimica Acta). Applicants respectfully traverse this rejection for at least the following reasons.

With regard to the present disclosure, amended independent claim 32 recites a secondary battery, comprising a positive electrode, a negative electrode and an electrolyte, wherein at least one of said positive electrode and said negative electrode includes an electrode active material comprising a polymer compound having a structure represented by the general formula (1a):



1(a)

where X is a sulfur atom or an oxygen atom; each of R¹ to R⁴ is independently a linear or cyclic aliphatic group, a hydrogen atom, a hydroxyl group, a cyano group, an amino group, a nitro group or a nitroso group; each of R⁵ and R⁶ is independently a linear or cyclic aliphatic group, or a hydrogen atom; said aliphatic group includes at least one selected from the group consisting of an oxygen atom, a nitrogen atom, a sulfur atom, a silicon atom, a phosphorus atom, a boron atom, and a halogen atom, and wherein any from the group consisting of R³, R⁴, R⁵ or R⁶ is further bonded to another molecule in a polymer chain.

One feature of amended claim 32 is that the positive and/or negative electrodes include an electrode active material comprising a polymer compound having a structure represented by the general formula (1a).

In contrast, neither Zhang, nor Carlier teach or suggest a polymer having the above-mentioned structure. Rather, Zhang admittedly fails to teach or suggest a compound of general formula 1(a). Carlier is relied upon to remedy this deficiency. However, neither Carlier nor Zhang disclose a polymer compound having the structure of general formula 1(a). As such, it is

clear that Zhang and Carlier fail to teach or suggest all of the limitations of claim 32 of the present disclosure.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. At a minimum, as Zhang and Carlier fail to teach or suggest a secondary battery, comprising a positive electrode, a negative electrode and an electrolyte, wherein at least one of said positive electrode and said negative electrode includes an electrode active material comprising a polymer compound having a structure represented by the general formula (1a), it is submitted that Zhang and Carlier, alone or in combination, do not render claim 32 obvious. Accordingly, it is respectfully submit that independent claim 32 is allowable over the cited prior art.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 32 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

Application No.: 10/827,424

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Reg No 58308

for Michael E. Fogarty
Registration No. 36,139

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 MEF/NDM:kap
Facsimile: 202.756.8087
Date: March 22, 2010

**Please recognize our Customer No. 53080
as our correspondence address.**